

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTHONY REID, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	No. 18-CV-00176
	:	Honorable John E. Jones, III
JOHN WETZEL, et al.,	:	
	:	
Defendants.	:	

JOINT MOTION FOR FINAL APPROVAL OF
CLASS ACTION SETTLEMENT

Plaintiffs filed this lawsuit, on behalf of themselves and a class of all current and future death-sentenced prisoners in the Commonwealth of Pennsylvania, alleging that the policies and practices of the Commonwealth violated the Eighth and Fourteenth Amendments to the United States Constitution. Defendants have denied the allegations throughout litigation.

In August 2018, following the Court's certification of the class pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure and extensive fact discovery, counsel for the parties began settlement discussions. These discussions continued for a number of months, culminating in the Settlement Agreement dated November 12, 2019. The parties believe the terms of the agreement are fair, reasonable, and adequate within the meaning of Rule 23 and, therefore, warrant Court approval.

The Court granted preliminary approval of the class action settlement on November 20, 2019, and ordered notice to be sent to the class according to the terms of the proposed Settlement Agreement. Class members have had the opportunity to submit objections. The parties have reviewed and considered these objections and respectfully submit that the objections do not present any issues that should prevent the Court from granting final approval of the class action settlement, as explained further in the accompanying memoranda of law, because the agreement is fair, reasonable, and adequate.

The parties respectfully request that the Court grant final approval to the proposed Settlement Agreement.

Date: January 21, 2020

Respectfully submitted,

s/ Wilson M. Brown, III

Wilson M. Brown, III

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CERTIFICATE OF CONCURRENCE PURSUANT TO LR 7.1

I, Wilson M. Brown, III, hereby certify that counsel for the Defendants was contacted about Defendants' possible concurrence in this Motion, and counsel for Defendants indicated that Defendants concurred with the relief sought herein.

/s/ Wilson M. Brown, III

Wilson M. Brown, III

Attorney for Plaintiffs

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	:	
Defendants.	:	

[Proposed] ORDER

AND NOW, this _____ day of _____, 2020, upon consideration of the Joint Motion for Final Approval of Class Action Settlement, and following a fairness hearing regarding this motion held on February 12, 2020, the Court hereby finds the following:

1. The Court finds that Notice to the Class regarding the proposed Settlement Agreement was adequate.
2. The Court considered the objections and comments to the Settlement Agreement from approximately 47 prisoners, and the Court overrules the objections.
3. The Court evaluated the factors pursuant to *Girsh v. Jepsen*, 521 F.2d 153 (3d Cir. 1975) and *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent*

Actions, 278 F.3d 175 (3d Cir. 2002), and finds that the Settlement Agreement is fair, reasonable, and adequate.

4. The Court reviewed the attorneys' fees pursuant to *In re Prudential Ins. Co. Am. Sales Practice Litig. Agent Actions* and finds that the attorneys' fees are fair and reasonable.

Therefore, it is HEREBY ORDERED that:

1. The Joint Motion for Final Approval of Class Action Settlement is GRANTED;
2. The Settlement Agreement is APPROVED pursuant to Federal Rule of Civil Procedure 23(e);
3. The attorneys' fees as outlined in the Settlement Agreement and the parties' separate agreement on the payment of attorneys' fees and costs, dated December 23, 2019, are GRANTED;
4. The Court expressly retains jurisdiction throughout the duration of the Settlement Agreement, as set forth in the Settlement Agreement, in order to enter any further orders that may be necessary or appropriate in administering or implementing the terms and provisions of the Settlement Agreement.

BY THE COURT:

J.

CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2020, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which sent electronic notification of the filing on the same day to all counsel of record registered to receive such notification.

/s/ Wilson M. Brown, III

Wilson M. Brown, III

Attorney for Plaintiffs